

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-2(c)	
George J. Gerro, Esq. 530 S. Glenoaks Blvd., Suite 200 Burbank, CA 91502 Tel: (818) 840-0000 George@GerroLaw.com <i>Pro Se Creditor and Appellant</i>	
In Re:	Case No.: 22-19361 (MBK) (Jointly Administered)
BLOCKFI INC., <i>et al.</i> , ¹	Chapter 11
Debtors.	Honorable Michael B. Kaplan

U.S. BANKRUPTCY COURT
FILED
TRENTON, NJ

2024 SEP 24 P 1:23

JEANNE A. NAUGHTON

Jeanne A. Naughton
DEPUTY CLERK

**APPELLANT GEORGE J. GERRO'S STATEMENT OF ISSUES ON APPEAL AND
DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL AS TO
APPELLANT GEORGE J. GERRO'S NOTICE OF APPEAL (DOCKET NO. 2394)
FROM AN ORDER OVERRULING GERRO'S OBJECTION TO BLOCKFI'S NOTICE
OF ESTABLISHING A RESERVE FOR DISALLOWED CLAIMS (DOCKET NO. 2389)**

Pursuant to Rule 8009(a) of the Federal Rules of Bankruptcy Procedure, Appellant George J. Gerro ("Gerro"), in his capacity as a disallowed creditor of debtor BlockFi Lending LLC ("BlockFi"), respectfully submits the following statement of issues to be presented on appeal, and designation of items for inclusion in the record on appeal, in connection with Gerro's appeal from the following final order dated September 10, 2024 *ORDER OVERRULING*

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: BlockFi Inc. (0015); BlockFi Trading LLC. (2487); BlockFi Lending LLC (5017); BlockFi Wallet LLC (3231); BlockFi Ventures LLC (9937); BlockFi International Ltd. (N/A); BlockFi Investment Products LLC (2422); BlockFi Services, Inc. (5965) and BlockFi Lending II LLC (0154). The location of the Wind-Down Debtors' service address is c/o M3 Partners, 1700 Broadway, 19th Floor, New York, NY 10019.

OBJECTIONS OF GEORGE J. GERRO AND JOHN W. VAN TUBERGEN AND APPROVING NOTICE OF DISPUTED CLAIMS RESERVE [Docket No. 2389] (the “Order”).

STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL

1. Whether the Bankruptcy Court exceeded its jurisdiction by ordering that Debtor BlockFi Lending LLC may hold \$0 in reserves for an appeal currently pending before the United States Federal Court of Appeals for the Third Circuit, Case No. 24-2637, entitled *Gerro v. BlockFi Lending LLC (In re BlockFi Lending LLC)* (Notice of Appeal filed on September 3, 2024).

2. Whether the Bankruptcy Court failed to establish an “appropriate” reserve as required by Paragraph 114 of its *Findings of Fact, Conclusions of Law, And Order (I) Approving the Disclosure Statement Relating to The Third Amended Joint Chapter 11 Plan of BlockFi Inc. And Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code on A Final Basis And (II) Confirming the Third Amended Joint Chapter 11 Plan of BlockFi Inc. And Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code (Additional Technical Modifications)* entered on October 3, 2023 [Docket No. 1660].

3. Whether Debtor BlockFi Lending LLC failed to make a *prima facie* showing, as a matter of law, by failing to present any evidence supporting its proposed reserve amount of \$0.

4. Whether Gerro may “compel the wind-down debtor to claw back distributions necessary to pay any pro rata amount on allowed claims, if [Gerro] would be successful on appeal, and if the wind-down debtor does not have sufficient funds remaining to satisfy the pro rata amount.” See *Excerpted Transcript of Hearing on Objections to the Debtors’ Proposed Claims Reserve*, p. 32, lines 18-23 [Docket No. 2385].

DESIGNATION OF THE RECORD ON APPEAL

Without waiving any arguments on appeal, Gerro designates each of the following documents for inclusion in the record on appeal (including any exhibit, memorandum, or certification attached thereto). Gerro reserves the right to supplement this designation and the record on appeal.

Docket Entries -- <i>In re BlockFi Inc., et al.</i> , Case No.: 22-19361 (MBK) (Jointly Administered)			
	ECF No.	Docket Entry Date	Description
1.	Sept. 7, 2023	1453	NOTICE OF APPEAL
2.	Oct. 3, 2023	1660	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER (I) APPROVING THE DISCLOSURE STATEMENT RELATING TO THE THIRD AMENDED JOINT CHAPTER 11 PLAN OF BLOCKFI INC. AND ITS DEBTOR AFFILIATES PURSUANT TO CHAPTER 11 OF THE BANKRUPTCY CODE ON A FINAL BASIS AND (II) CONFIRMING THE THIRD AMENDED JOINT CHAPTER 11 PLAN OF BLOCKFI INC. AND ITS DEBTOR AFFILIATES PURSUANT TO CHAPTER 11 OF THE BANKRUPTCY CODE (ADDITIONAL TECHNICAL MODIFICATIONS)
3.	July 22, 2024	2357	THIRD STATUS REPORT TO CREDITORS AND ANNOUNCEMENT OF PLANNED 100% DISTRIBUTION ON CUSTOMER CLAIMS
4.	Aug. 9, 2024	2364	NOTICE OF DISPUTED CLAIMS RESERVE
5.	Aug. 15, 2024	2367	GEORGE J. GERRO'S OBJECTION TO DEBTOR BLOCKFI LENDING LLC'S REQUEST TO HOLD ZERO DOLLARS (\$0) IN RESERVE FOR GERRO'S CLAIM CURRENTLY PENDING APPEAL BEFORE THE UNITED STATES FEDERAL COURT FOR THE

			DISTRICT OF NEW JERSEY, ENTITLED IN RE BLOCKFI (GERRO V. BLOCKFI LENDING LLC) CASE NO. 23-CV-18740
6.	Aug. 23, 2024	2377	WIND-DOWN DEBTORS' OMNIBUS RESPONSE TO OBJECTIONS TO NOTICE OF DISPUTED CLAIMS RESERVE
7.	Sept. 3, 2024	2382	NOTICE OF APPEAL TO UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT
8.	Sept. 4, 2024	2385	EXCERPTED TRANSCRIPT OF HEARING ON OBJECTIONS TO THE DEBTORS' PROPOSED CLAIMS RESERVE
9.	Sept. 16, 2024	2389	ORDER OVERRULING OBJECTIONS OF GEORGE J. GERRO AND JOHN W. VAN TUBERGEN AND APPROVING NOTICE OF DISPUTED CLAIMS RESERVE
10.	Sept. 16, 2024	2394	NOTICE OF APPEAL TO THE UNITED STATES COURT FOR THE DISTRICT OF NEW JERSEY

CERTIFICATION REGARDING TRANSCRIPTS

Appellant hereby certifies to the Clerk of Court that he is not ordering any transcripts that are not already included in the record on appeal.

Dated: September 24, 2024



/s/ George J. Gerro
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